

End of An Era? The Impact of Drug Law Reform in New York City

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REPORT OVERVIEW

About the Substance Use and Mental Health Program (SUMH)

There are three times as many people with serious mental illness in jails and prisons than in hospitals, and about two-thirds of people in prison report regular drug use. Justice systems around the country, however, are ill-equipped to provide behavioral health services, and people often fail to get the help they need. This has serious implications for people involved in the justice system, their families, and the communities in which they live.

SUMH research helps jurisdictions design policies that increase access to treatment, reduce reliance on the criminal justice system as a response to these problems, and improve public safety.

For more information on SUMH's work, please visit www.vera.org/centers/substance-use-and-mental-health-program, or contact Chris Weiss at cweiss@vera.org.

Enacted in 1973, a new set of laws in New York State, commonly referred to as the Rockefeller Drug Laws, mandated lengthy prison sentences for people convicted of a range of felony drug offenses, heralding a wave of mandatory sentencing statutes that swept the nation during the 20 years that followed. These new laws contributed to dramatic increases in state prison populations and fueled the racial disparities that have come to characterize the U.S. criminal justice system.

In 2009, however, the Rockefeller Drug Laws were essentially dismantled by the latest in a series of reforms that eliminated mandatory minimum sentences for the possession, use, or small-scale sale of illegal drugs and increased eligibility for diversion to treatment. With support from the National Institute of Justice, the Vera Institute of Justice, John Jay College of Criminal Justice, and the School of Criminal Justice at Rutgers University conducted a study to evaluate the impact of reform soon after implementation and suggest mid-course corrections. The research team compared cases pre and post reform to assess changes in the use of jail and prison, rates of diversion to treatment, recidivism, and cost. Researchers also interviewed 35 criminal justice stakeholders to assess their perceptions of the impact of drug law reform. The study, which focused on New York City where the majority of the state's prison population is from, found that drug law reform, as it functioned in the city soon after the laws were passed, led to a 35 percent rise in the rate of diversion among eligible defendants, though its application varied significantly among the city's five boroughs.

Moreover, diversion to treatment is associated with reduced recidivism rates—36 percent of a sample of defendants who received treatment following the reforms were re-arrested within two years, compared to 54 percent of defendants who were sentenced to prison, jail, probation, or time served before the laws changed. Racial disparities were cut in half as well. Before reform, black and Hispanic defendants arrested for felony drug offenses in New York City were three times as likely to receive a prison sentence as white defendants. Post reform, they were twice as likely.

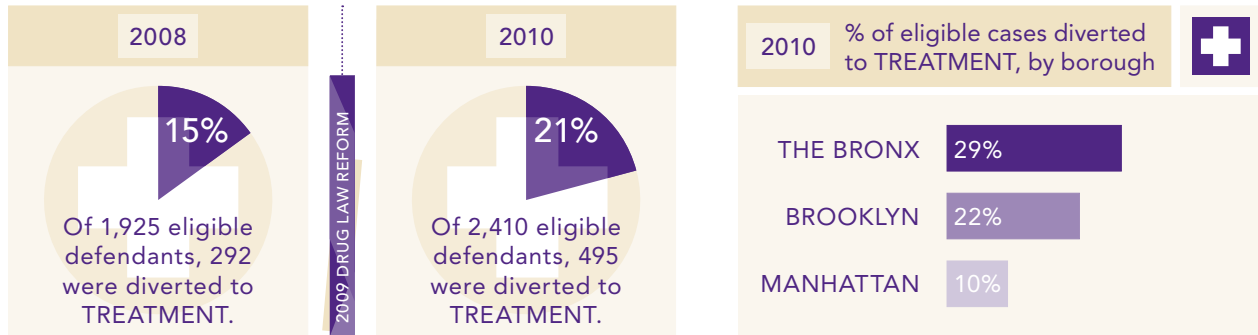
However, the study revealed that only one out of five defendants eligible under the new laws actually enrolled in treatment and that racial disparities persist. Also, a cost-benefit analysis found that the additional costs of treatment to the criminal justice system were limited: less than a 2 percent increase over pre-reform costs, or \$7.3 million. Researchers also found that, post reform, court-mandated lengths of stay in residential treatment increased from an average of 9.2 months to 15.7 months and the average length of prison sentences increased from 29.6 months to 32.5 months.

The complete report (www.vera.org/end-of-an-era) provides a detailed description of the early years of drug law reform in New York City, examines the practical barriers that may limit the extent to which the new laws are fulfilling their legislative intent, and offers a series of recommendations for enhancing their impact and reach.

END OF AN ERA? THE IMPACT OF DRUG LAW REFORM IN NYC

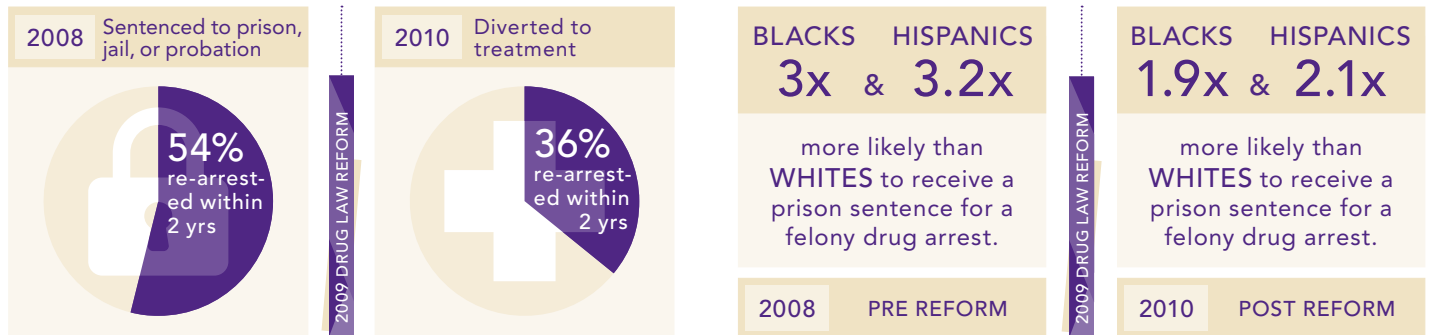
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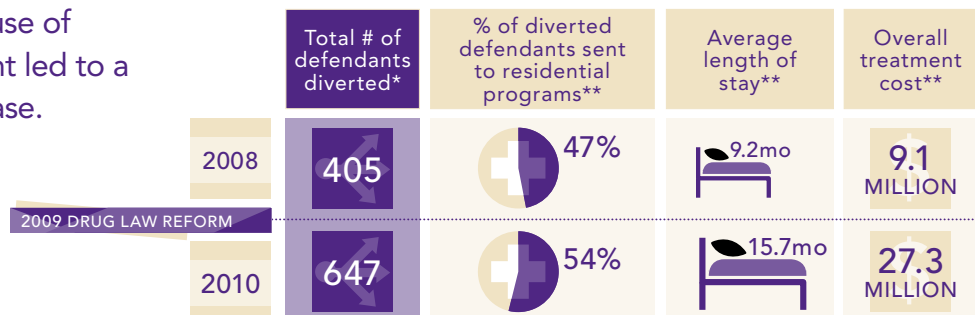


Diversion to treatment is associated with reduced recidivism rates.

Racial disparities were cut in half.



But the expanded use of residential treatment led to a marginal cost increase.



* These figures include both eligible defendants and others who were diverted via other mechanisms.

** Analysis based on drug court participants—the only group of diverted defendants for which complete data were available pre and post reform.